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NICHOLS *v.* MILLER.

Sept. 17, 1919.

[101 S. E. 68.]

1. **Husband and Wife (§ 181\*)—Wife's Separate Property; Validity of Contract and Unacknowledged Deed.**—Where wife having interest in land married prior to enactment of Married Woman's Act of April 4, 1877, her executory land contract and unacknowledged deed, though executed subsequent to enactment of such statute, are void; such statute applying only to property of women who thereafter married.

[Ed. Note.—In other cases, see 12 Va.-W. Va. Enc. Dig. 182.]

2. **Tenancy in Common (§§ 8, 44\*)—Purchase of Cotenant's Interest.**—When a tenant in common conveys his undivided interest in land held in common, the grantee in the deed is the tenant in common with the other owners thereof, and one who receives a conveyance from one who owns an undivided interest in land, whether acquired by descent or purchase, can acquire thereby no greater right than that which his grantor had.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 122.]

3. **Tenancy in Common (§ 15 (2)\*)—Adverse Possession; Ouster.**—Possession of land by owners of five-sixths interest therein cannot be held to be adverse as to owner of other one-sixth interest, in absence of clear evidence of an ouster of latter owner and denial of her title.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 127.]

4. **Husband and Wife (§ 69½\*)—Adverse Possession against Wife.**—Plaintiff, who did not go into possession of defendant's land until after defendant's marriage, could not, by reason of such possession while defendant was under coverture, acquire title by adverse possession, the statute not having run during such period.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 224.]

Appeal from Circuit Court, Wise County.

Bill by M. J. Miller against Lucy A. Nichols and others: Decree for plaintiff, and named defendant appeals. Decree reversed in so far as it affects the rights of named defendant, and bill dismissed as to named defendant.

*Will H. Nickels*, of Bristol, for appellant.

*A. N. Kilgore*, of Wise, for appellee.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.